

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 7 and 8 are requested to be cancelled. Claims 13-15 are currently being amended.

This amendment amends and cancels claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 3-6, 10-11 and 13-15 are now pending in this application.

**Claim Rejections under U.S.C. § 103**

Claims 3, 5-8 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yanagi (U.S. Patent No. 6,041,213) in view of Park et al. (U.S. Patent No. 5,953,575). Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yanagi in view of Park et al. and in further view of Tsuchittoi (U.S. Patent No. 5,872,900). Claims 11, 10 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yanagi in view of Park et al. Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yanagi in view of Park et al.

In response, without acquiescing or agreeing to the rejection, Applicant amends claims 13-15 to further define the invention and distinguish it over the prior art. The rejection is respectfully traversed below and Applicant submits that the above amended claims are allowable for at least the following reasons.

Applicant relies on M.P.E.P. § 2143, which states that to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation in the prior art to modify the reference. Second, there must be a reasonable expectation of success. Third, the prior art must teach or suggest all claim limitations.

Applicant respectfully submits that the references cited by the Examiner do not teach or suggest all the limitations of the claims as amended. Specifically, the combination of Yanagi and Park et al. and Tsuchitou do not describe each and every element of the claimed invention and corresponding method as recited in claims 3-6, 10-11 and 13-15. The claimed invention recites a second carrying path having a parallel portion which is substantially parallel to the first carrying path and curved portions each provided upstream and downstream from the parallel portion. The second carrying path has a first roller pair located at a curved portion upstream from the parallel portion and a second roller pair located at the curved portion downstream from the parallel portion. A third roller pair is located at the parallel portion. The presence of the first and second roller pair at the curved portions serves to prevent paper jams and thus increases the reliability of the claimed apparatus.

In contrast, Applicant submits that the combination of Park et al. and Yanagi do not teach or disclose the apparatus as claimed in the present invention. Specifically, the combination of Park et al. and Yanagi and Tsuchitou do not teach or disclose a first roller pair located at the curved portion upstream from the parallel portion and a second roller pair located at a curved portion downstream from the parallel portion. Contrary to the Examiner's assertion, the combination of Yanagi and Park et al. results in an apparatus having a first roller pair, a second roller pair and a third roller pair located on a relatively flat portion of the second carrying path. Thus, the combination of Yanagi and Park et al. fails to teach or disclose a second carrying path having a parallel portion which is substantially parallel to the first carrying path and curved portions each provided upstream and downstream from the parallel portion, whereby the second carrying path has a first roller pair located at a curved portion upstream from the parallel portion and a second roller pair located at the curved portion downstream from the parallel portion and a third roller pair located at the parallel portion. In addition, Tsuchitou fails to rectify the deficiencies of Yanagi and Park et al.

Moreover, since the first carrying path and the second carrying path are arranged substantially in parallel to each other, room can be provided between the first and second carrying paths, and thereby the present invention has a high degree of flexibility in positioning of the rollers and other parts inside the apparatus body. In the structures of Yanagi and Park et al., on the other hand, the first and second carrying paths are horizontally

arranged in the apparatus body. Accordingly, the apparatuses of Park et al. and Yanagi must have space in their insides elongated in the horizontal direction to place the carrying paths, which results in a disadvantage in that the amount of wasted space grows.

Accordingly, none of the references, either independently or in combination, cited by the Examiner teach or disclose all the limitations of amended claims 13-15. Therefore, Applicant respectfully asserts that a *prima facie* case of obviousness can not be established with respect to amended claims 13-15 and respectfully requests that the rejection be withdrawn. Claims 3-6 depend from independent claim 13 and claims 10-11 depend from independent claim 14 and are patentable for at least the same reason.

In summary, Applicant respectfully submits that amended claims 13-15 are not anticipated by the combination of Tsuchitai, Yanagi and Park et al. and are therefore allowable. Applicant respectfully request that the rejections under U.S.C. § 103(a) be withdrawn and claims 3-6, 10-11 and 13-15 be allowed.

### **CONCLUSIONS**

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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